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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1554**

In the Matter of the Welfare of the Children of:
L. M. G., I. E. F., J. P., Sr., Parents.

**Filed March 31, 2025
Affirmed
Cleary, Judge***

Isanti County District Court
File No. 30-JV-22-107

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Considered and decided by Smith, Tracy M., Presiding Judge; Bratvold, Judge; and
Cleary, Judge.

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

NONPRECEDENTIAL OPINION

CLEARY, Judge

Mother appeals from the district court's order involuntarily transferring permanent legal and physical custody of her children to their foster parents, arguing that the district court abused its discretion under three of the requisite statutory findings for the transfer. Foster parents, by notice of related appeal, challenge the part of the district court's order requiring that they maintain contact between mother and the children. Because the record and law support the district court's custody transfer and its contact requirement, we affirm.

FACTS

L.M.G. ("mother") has three children. We refer to the children via pseudonyms we have chosen at random to maintain their privacy: Caleb, born in 2010; Luke, born in 2016; and Ruth, born in 2017. Isanti County Health and Human Services ("agency") first started receiving reports concerning the children's welfare in 2017 after mother sent Caleb to school sick and indicated that she does not have a working phone or car to come get him. Further reports indicated Caleb missing school on several days and sharing details of domestic violence that he witnessed at home between mother and the father of Luke and Ruth, whom we refer to as Joshua. Caleb also had a scab on his shoulder that he said came from mother pinching him.

Child protection reports indicate, and the district court later found, that the children witnessed "horrendous" domestic abuse between mother and Joshua and were themselves subject to abuse. Some examples are described based largely on statements of the children to child protection. Joshua spit on mother and she hit him in the face. Joshua would hit and

throw mother. Joshua choked mother and was convicted of domestic assault-strangulation. Joshua tried to suffocate Caleb on a couch, and in another instance locked him out of the house. Joshua threw Luke into a window, causing bleeding. Joshua would spank the children, leaving marks. Joshua and mother would hit Luke. Joshua would hit the children and would choke mother and the children by putting his fingers in their mouths. In an especially significant incident, Joshua chased mother with two knives during a fight over drugs and she allegedly used Luke as a shield to protect herself. Mother did not corroborate the human-shield claim, merely stating that Joshua stopped his attack when she told him, “[Y]our kids can see this right now and not gonna forget it”

Mother later admitted to domestic violence in her home that had impacted the wellbeing of her children. She said the children had seen physical fights, including Joshua walking on top of her. Mother also tested positive for methamphetamines and THC. Mother’s parenting skills also came under scrutiny, as family members observed mother yelling at and using profanity with the children, including saying, “You want the cops called on mom, thinking I’m beating you and mom be taken away.” In one incident mother grabbed Caleb by the ear so he would listen to her. The apartment the children were staying in was described as “disgusting” and having garbage in it, with a dirty mattress and bedding. A room smelled of drug residue.

In August 2021, police responded to an incident where Joshua allegedly hit mother after a fight involving a bag of drugs. Mother had bruising on her arms and knees from another attack where Joshua had pulled her down a staircase. Joshua was consequently convicted of felony domestic assault for this attack. The children were removed from

mother and Joshua's care in August 2021, and the agency filed a child in need of protection or services (CHIPS) petition. The children have since been in the care of foster parents.

The children underwent psychological assessments. Caleb was diagnosed with autism, posttraumatic stress disorder (PTSD), language impairment, and developmental delay. Ruth was diagnosed with PTSD and disinhibited social engagement disorder. Luke was also diagnosed with PTSD. Witnessing domestic abuse was noted as likely related to at least one of each child's symptoms.

After the children were placed outside the home, mother began to better her situation with assistance of the agency. She successfully completed chemical dependency treatment in September 2022. She also made significant efforts to address her mental-health problems, attending thrice-weekly therapy. The agency provided help with these efforts and others in its attempts to reunify the children with mother. These efforts also included transportation and practical administrative assistance "at all crucial junctures" of mother's journey through completing treatment, helping her attain stable transportation and housing, and ensuring that she was reaching sobriety goals and attending therapy. Mother agreed that some of the agency's support had been helpful.

The agency worked with mother to support visitation between mother and the children. And foster parents stayed in constant collaboration with mother assisted by the agency to help support the children's needs. The agency noted that mother overall had been cooperative with them. But mother also did not do her part in submitting required paperwork for family therapy or following through on parenting education. Mother worked with the children's therapist to learn how to better parent the children, but the agency was

concerned after observing mother parenting that she was not always able to adequately control the children. This contrasted with the children being more regulated with the foster parents. The children's therapist was also concerned about mother minimizing the effects of domestic violence on her and the children, and about the children triggering mother's mental health problems, and recommended a decrease in visitation. But the children showed signs of improvement as visitation had gradually increased. At one point, however, Luke indicated that mother hit him during one of her unsupervised visits with him. And during one supervised visit, mother told Caleb that if he chose to stay with foster parents, he would never see her again.

The agency first filed a petition to transfer permanent legal and physical custody to the children's foster parents in 2022, and the consequent custody-transfer trial concluded in early February 2023. While the district court decided that it would be in the children's best interests to have a transfer of permanent custody to the foster parents and that the agency had made reasonable reunification efforts, it ultimately denied the transfer. The district court denied the petition because it found that the agency failed to prove that mother could not use services to correct the conditions that led to the out-of-home placement because she was "on her way" to correcting those conditions and was beginning to have insight into her and the children's significant needs. Likewise, it found that it was unclear whether the conditions that led to the out-of-home placement had been corrected, because it remained to be seen if mother could provide safe long-term care for the children. It ordered that the parties begin to develop a gradual plan for a trial home visit with mother.

The agency subsequently began facilitating consistent visitation between mother and the children, up to four times per week. The agency, foster parents, and therapist noted that there was a correlating increase in the children's dysregulation as visits ramped up. Two incidents occurred where mother used physical force while parenting. In one, mother "bear hugged" Luke and Ruth and threw them on the couch when they were being unruly and hitting and punching mother. Luke said that mother punched his arm. In another incident, mother grabbed and pushed one of the children when they were "escalated," but the agency suggested this was not a significant concern.

A more significant incident occurred in May 2023. According to the child protection report, mother told foster parents she was running late, which was uncharacteristic of her, because she could not get Ruth in the car after she tried to take a toy home with her. When they got home, Caleb tried to tell foster father something but started to cry so hard that he vomited. Caleb told him that Ruth had tried to take a toy home and was being defiant while leaving, causing mother to scream in her face that they needed to leave. Then mother grabbed Ruth by the shoulder and, in Caleb's words, "shooked" her. Caleb later relayed he did not want any more visits with mother and referenced "the violence of the ghost of [Joshua]"¹ in relation to the incident. Luke relayed the same story to foster mother, and his heart was racing when he took a bath that night. Ruth reenacted the event for her foster parents, indicating that mother had grabbed her shoulder. Ruth had a "pretty nasty bruise" forming where she said she was grabbed, and that night she was also rocking back and

¹ Joshua had since passed away.

forth and crying inconsolably. Mother denied hurting Ruth and described the incident as Ruth being upset about having to leave mother's home, and then mother hugging her. The district court later found mother's version of events not credible. The state criminally charged mother with malicious punishment of a child and domestic assault for this incident. And the agency filed a new petition to transfer permanent custody to foster parents. The criminal trial took place in February 2024. Caleb testified for the state. The jury found mother not guilty of the charges.

After the May 2023 incident mother had no visitation with the children for three months. Ruth resumed visits in August 2023, for about a half an hour once a week expanding to just over an hour, and these visits were generally positive. But Caleb and Luke have not participated in visits since the incident. The agency noted the children's dysregulation generally decreased when the visitation subsided. Ruth's visitation was stopped before the criminal trial and has not resumed. This is even though the district court directed the agency to make "heavy efforts" toward getting visitation restarted in April 2024, without leaving visitation up to the children, and mother provided the agency detailed information on how to facilitate visitation. Luke had a phone call with mother indicating that he wanted a visit. However, the children would have negative reactions when the topic of visitation would come up, even displaying negative reactions when a letter written to them by mother was read aloud to them. Given these circumstances, the agency social worker later testified that they did not want to traumatize the children by forcing visitation.

Mother had been working with a parenting skills worker and a parenting educator after the first transfer-of-custody trial. But these services ended when visitation ceased.

These providers were working with mother on her skills regulating the children appropriately. Family reunification therapy began in early 2024, but did not include mother as the children were not ready for her to join. The final note from the family therapist in May 2024 stated that the children “may soon benefit from her joining sessions.”

The trial on the second permanency petition took place in April and May 2024. A social worker for the agency testified, as did the children’s therapist, the foster parents, the children’s guardian ad litem, mother, and mother’s therapist. The social worker testified that, except for three instances concerning physical touch, mother was complying with her case plan to address the conditions that led to the children’s removal. Mother also testified and agreed that it would be very difficult if the children were to transition back into her home. The guardian ad litem testified and recommended that the custody transfer petition be granted, as it would be in the children’s best interests. The guardian noted that mother has been “getting involved in any way that she can—attending conferences, talking to the teachers, convers[ing] with the kids’ therapist.” But, she continued, the children need permanency and mother continued failing to fully understand the effects of the trauma the children experienced on their mental health.

Following the trial the district court filed a written order incorporating its prior findings of fact and orders in this file and related files. The district court concluded that it was in the children’s best interests for custody to be transferred, noting that mother “put hands on [Ruth] in a manner that, if not rising to the level of malicious punishment or domestic assault, resulted in significant distress and fear in [Ruth] and [Caleb], and, to a lesser extent, [Luke].” It again found the agency’s efforts at reunification reasonable. It

found that mother failed to use services to ameliorate the conditions leading to the placement, pointing to the May 2023 incident and the children's dysregulation during visits. And the district court found that mother does not have a home the children can safely return to. Mother appeals this decision.

The district court also required the parties to meet and prepare a contact plan for mother and the children. After the district court's initial custody transfer order, the parties began this process. But the parties did not agree on a contact plan; mother rejected the agency's proposal because of the infrequency of contact and the discretion given to foster parents. In a consequent review hearing, Caleb's attorney expressed opposition to family therapy because "the children have been able to take a big exhale and just live life now. There's been a drastic change. Improvement in their behavior." This belief is also reflected in the report of the guardian ad litem, who noticed an improvement in the children following the custody-transfer decision, with less dysregulation, and further noting that Ruth and Luke had negative reactions when the topic of contact or visitation with mother was broached.

The district court said that the contact plan the agency and foster parents proposed was not a good-faith proposal to meaningfully include mother in the children's lives, or a reasonable effort to engage mother to develop a contact agreement. The district court pressed the parties to craft an agreement with adequate visitation opportunities but noted that it would issue an order if the parties could not figure it out themselves.

The parties encountered further hurdles in creating a contact plan. The parties could not secure a family therapist to work as a bridge for reconnecting mother and the children. The relationship between foster parents and mother had become strained.

Unable to come up with a solution, the parties returned to the district court for another review hearing. The parties sought guidance from the district court to create a contact order. But Caleb's lawyer expressed that Caleb still did not want any contact with mother. The district court paused proceedings to "double-check and make sure it's something the law permits me to do or doesn't." Then the district court returned, stating that it would maintain jurisdiction over the case, and clarifying, "Meaningful [contact] means in person at least once every other week for at least an hour. That's a bare minimum of meaningful." On request for further clarification from foster parents, the district court explained that it was ordering this visitation to be supervised. After foster parents objected, the district court further explained that the contact did not have to happen immediately but can be "within the developmental and gradual needs of the children Nothing that I've said prohibits that." The district court agreed that the start date for the twice-monthly contact was not "firmly set" but added that "[t]here has to be a plan." The district court closed the hearing noting that the parties would be back in ninety days for a determination and characterized its contact order as going "[b]ack to the drawing board." The district court's subsequent order finalized the transfer of permanent custody to foster parents and required the parties to make efforts to enable supervised contact between the children and mother at least twice per month for at least an hour per visit. Foster parents appeal the contact portion of the order.

DECISION

Mother challenges the district court's order transferring permanent legal and physical custody of her children to foster parents, arguing that the district court abused its discretion in its decision under three of the four requisite statutory findings. And foster parents argue by notice of related appeal that the district court's contact requirement failed to address the children's best interests, reflects an abuse of discretion, and is improperly vague. We address the appeals in turn.

I

Mother argues that the district court abused its discretion when it transferred custody of her children to foster parents. A district court may order a transfer of legal and physical custody to a "fit and willing relative" in a permanency proceeding. Minn. Stat. § 260C.515, subd. 4 (2024). We review the district court's factual findings for clear error and its findings of a statutory basis for transferring permanent custody for an abuse of discretion. *In re Welfare of Child of D.L.D.*, 865 N.W.2d 315, 321 (Minn. App. 2015), *rev. denied* (Minn. July 20, 2015). "A district court abuses its discretion if it makes findings of fact that lack evidentiary support, misapplies the law, or resolves discretionary matters in a manner contrary to logic and the facts on record." *In re Welfare of Child of T.M.A.*, 11 N.W.3d 346, 355 (Minn. App. 2024). In reviewing a finding for clear error, we view the evidence in a light most favorable to the finding, do not reweigh evidence, and we need not provide an extensive discussion to demonstrate the correctness of the finding. *Id.*

To permanently place a child out of the child's home, Minnesota Statutes section 260C.517(a) (2024) requires a district court to make certain "detailed findings" addressing:

- (1) how the child's best interests are served by the order;
- (2) the nature and extent of the responsible social services agency's reasonable efforts . . . to reunify the child with the parent or guardian where reasonable efforts are required;
- (3) the parent's . . . efforts and ability to use services to correct the conditions which led to the out-of-home placement; and
- (4) that the conditions which led to the out-of-home placement have not been corrected so that the child can safely return home.

Each of these findings must be supported by clear and convincing evidence. *T.M.A.*, 11 N.W.3d at 355; Minn. R. Juv. Prot. P. 58.03, subd. 1. Mother challenges each of the district court's findings under section 260C.517(a), except the best-interests finding.

A. The Agency's Reunification Efforts

Mother argues that the district court abused its discretion in determining that the agency exercised reasonable efforts to reunify the children. *See* Minn. Stat. § 260C.517(a)(2).

The district court found:

Here, ICHHS's efforts to reunify [mother] with the children have fallen within the bounds of reasonableness. Given the general reluctance of the children (except for [Ruth]) to participate in visitation following the May 9 incident, and the ongoing related criminal proceedings, which the County opted to proceed first, the Agency efforts, to remain in communication with [mother], to collaborate with the children's therapist in assessing readiness for visitation, in working with [mother] to continue efforts toward family therapy all were reasonable. More could have, and should have, been done. During her testimony, [mother] highlighted several areas in which the agency was either less than fully helpful, including family therapy arrangements, involvement in the children's school and doctor appointments, collaboration with [the therapist], and parenting skills courses. [The social

worker] frankly concurred on this point at trial. But after the reports of physical contact in February and May 2023, and in the context of the children’s mental health needs and history in sum, there is clear and convincing evidence to show the agency’s efforts to reunify [mother] with the children have been reasonable.

What constitutes reasonable reunification efforts depends on the facts of each case.

In re Welfare of Child of J.H., 968 N.W.2d 593, 601 (Minn. App. 2021), *rev. denied* (Minn.

Dec. 6, 2021). A district court must consider whether the reunification services were:

- (1) selected in collaboration with the child’s family and, if appropriate, the child;
- (2) tailored to the individualized needs of the child and child’s family;
- (3) relevant to the safety, protection, and well-being of the child;
- (4) adequate to meet the individualized needs of the child and family;
- (5) culturally appropriate;
- (6) available and accessible;
- (7) consistent and timely; and
- (8) realistic under the circumstances.

Minn. Stat. § 260.012(h) (2024). The agency’s efforts must go beyond “mere matters of form so as to include real, genuine assistance,” and the district court must consider the quality and quantity of the efforts. *In re Welfare of Child. of S.W.*, 727 N.W.2d 144, 150 (Minn. App. 2007) (quotation omitted), *rev. denied* (Minn. Mar. 28, 2007). But in determining reasonable efforts, “the child’s best interests, health, and safety must be of paramount concern.” Minn. Stat. § 260.012(a) (2024). The district court’s ruling on reasonable efforts does not reflect an abuse of discretion.

Mother challenges the district court’s findings underlying this determination.

Mother contends that the district court should not have excused the agency from making

reasonable efforts because of the reluctance of the children to engage in visitation after the May 2023 incident. It is true that the district court encouraged the agency to “work toward establishing renewed contact between the minor children and [mother]” after the incident. And the district court had specifically ordered in April 2024 that the agency begin “vigorous efforts” to reinstate visitation. Mother only had visitation with Ruth after the May 2023 incident, and this ended before the criminal trial began.

But these are children suffering PTSD, with serious mental-health needs who need a parent skilled and knowledgeable at regulating them. They were further harmed by mother’s actions in May 2023. The children also had negative reactions when the topic of visitation would arise after the May 2023 incident. These circumstances reasonably support the agency’s reluctance to facilitate further mandatory visitation between mother and the children after May 2023. Considering that the agency’s “paramount concern” in making reasonable efforts was “the child[ren]’s best interests, health, and safety,” the record supports the district court’s implicit finding that the agency’s discontinuation of visitation was reasonable under the circumstances. *See* Minn. Stat. § 260.012(a).

Mother argues that the agency failed to provide adequate family reunification services after May 2023. Because mother did not have visitation with all three children after May 2023, the agency did not provide mother further parenting education and skills services. The parenting education and skills providers could not provide services unless mother and all the children were together. However, mother was eventually able to work with the children’s therapist, learning about their mental health needs. The agency

supported efforts restarting visitation with Ruth in consultation with mother, and the agency supported family reunification therapy beginning in January 2024.

Mother argues that the agency's efforts regarding reunification therapy were unreasonable because the children were in out-of-home placement for over 700 days before a family therapist was identified, and then the agency took two more months to begin family therapy. But as the agency points out, family therapy was offered to mother in September 2022 but did not start because mother admittedly failed to complete the required paperwork. The two-month delay is less significant in comparison. We also consider the agency's efforts outside the narrow window after the May 2023 incident on which mother focuses. The district court considered the "history in sum" in making its reasonable-efforts decision, and its previous order from February 2023 described the agency's efforts until that point as reasonable. These efforts helped mother achieve sobriety, address her mental-health challenges, achieve stable housing, and got her to a position where, at one point, she could have visitation with the children as often as four days a week. The district court's findings outlining the agency's various efforts are supported by the record.

We agree with the district court that "more could have, and should have, been done" by the agency to achieve reunification. But the law does not require superlative efforts from the agency, merely "reasonable" efforts. Minn. Stat. § 260C.517(a)(2). The record evidence supports the district court's findings and its determination that the agency's reunification efforts were reasonable is not contrary to logic and the facts on record and does not reflect an abuse of discretion.

B. Ability to Use Services to Correct Unsafe Conditions

Mother argues that the district court abused its discretion by deciding that she failed to utilize services to correct the conditions leading to the children's out-of-home placement. *See* Minn. Stat. § 260C.517(a)(3). The district court recognized that mother had successfully used services to correct many of the unsafe conditions, such as achieving sobriety, and diligently working with mental-health and parenting programming and with the children's therapist. Even so, it found:

The credible reports of frightening physical contact between [mother] and the children in May, and [the agency's] observations of increased chaos and dysregulation during visits with [mother], make clear that these efforts by [mother] demonstrates her ability to use services but not, considering the profound needs of her children, to use these services "to correct the conditions which led to the out-of-home placement." While certain essential of those conditions, chemical use and immediately threatening domestic abuse in the home, have been ameliorated, the overall record does not demonstrate that [mother] can use the developed skills to safely parent the children together.

Reviewing the findings underlying this statutory requirement, we again find adequate record support.

Mother argues that the district court's findings underlying this requirement are clearly erroneous because, between the first transfer-of-custody trial and the May 2023 incident, she had complied with parenting education and skills work along with having visitation four days per week. She adds that only one visit during this period—the May 2023 incident—was unsuccessful out of more than sixty visits. Yet the May 2023 incident was plainly significant, and the other incident where mother "bear hugged" the children

was significant enough that mother called a foster parent with a concern that the police may be called on her.

We again look beyond the narrow time-period that mother focuses on. The agency observed problems before the first trial. Mother would be unable to control all three children at once and would have to sit down with a child for a long time to regulate his or her behavior. And foster parents noticed dysregulation in the children before and after visits. The children's therapist in December 2022 asked that visitation frequency be reduced because of the level of distress and dysregulation the children experienced. She observed a month later that mother did not seem to be consistently using the parenting tools she had been given and raised concerns about her use of authority during visits, involving yelling and physically turning the children's heads and running after them. Luke also said in 2022 that mother hit him during a visit. Mother was given visitation opportunities, opportunities that expanded after the first trial. Testimony at the second trial indicated that the children experienced increased dysregulation coinciding with visitation between the first trial and the May 2023 incident, and that mother had difficulty regulating the children in her home. Those increases in visitation opportunities resulted in the May 2023 incident, where mother harmed Ruth. It was within this context that the agency curtailed visitation. Because we affirm the district court's finding that the agency's efforts were reasonable, including its decision to curtail visitation, we reject mother's argument that she was improperly withheld an opportunity to demonstrate firsthand that she could parent all of the children together after May 2023. The district court's finding that mother's use of services has not allowed her to safely parent all the children together is adequately

supported by the record and its conclusion on this statutory requirement is not against logic and the facts on record and does not reflect an abuse of discretion.

C. Failure to Correct Conditions Leading to Out-of-Home Placement

Mother argues that the district court abused its discretion by finding that conditions had not been corrected so that the children could safely return home. *See* Minn. Stat. § 260C.517(a)(4). The district court noted mother's successes in remedying many conditions that led to the placement, such as achieving sobriety and greater stability. Yet it found:

[D]eterminatively, this record over all makes clear that [mother] is not yet able to safely parent all three children. These are children with deep-seated needs for predictable safety. The reunification efforts that followed the prior trial, in light of those needs, resulted in an unsafe situation for the children then and for the foreseeable future.

In assessing this question in the first instance the Court found in the previous trial: “. . . It is possible but remains to be seen if [mother] can in fact, long-term, provide the children with the stability, predictability and cares consistent with their needs and safety.” Upon all the files and proceedings herein and based on the analysis above, the court unfortunately concludes that the answer to that question at this time is no.

The district court's ruling on this statutory requirement does not reflect an abuse of discretion.

Similar to her other arguments, mother argues that the “isolated incident” in May 2023 led to a wholesale failure by the agency to provide her meaningful opportunities to parent all three children and the resources to enable her to do so. She argues that the agency had a continuing obligation to work with her to address unsafe conduct it noticed, citing

In re Welfare of Children of T.R., which provides that “[t]he requirement that the parties follow the case plan is a two-way street: the county may not . . . decide for itself that further efforts are futile.” 750 N.W.2d 656, 665–66 (Minn. 2008). The agency persuasively responds that it did not unilaterally decide that more efforts were futile but that mother’s own conduct impeded visitation after the agency gave her many chances and assistance. Even though mother created a barrier to successful visitation through her actions, the agency still made other attempts that could have led to restarted visitation, such as beginning family reunification therapy, working with the children’s therapist, and helping mother resume visitation with Ruth.

While mother was meeting many of her case-plan goals the agency set, the two noted incidents from 2023 of mother using physical force with the children supports the district court’s finding that mother cannot safely parent all of her children, one of her case-plan goals. Mother does not challenge the reasonableness of her case plan. As discussed, the record supports the district court’s findings that these children have heightened needs for predictable safety, and mother’s physical behavior paired with the dysregulation the children experienced corresponding to increased visitation with her has shown that she cannot provide that. Mother has failed to show that the district court’s findings of fact underlying this statutory requirement are clearly erroneous, or that, in light of those findings, the district court’s decision is contrary to logic and the facts on the record and reflect an abuse of discretion.

Mother has not demonstrated that the district court abused its discretion in transferring permanent legal and physical custody of the children and we affirm that decision.

II

Foster parents challenge by notice of related appeal the portion of the district court's order requiring contact between mother and the children. They argue that the district court's contact requirement failed to address the children's best interests, that this requirement was an abuse of the district court's discretion, and that the wording of the requirement renders it improperly vague. We address each argument in turn.

A. District Court's Best Interests Findings

Foster parents challenge the district court's findings underlying its directive for mother to have contact with the children. "An order does not permit meaningful appellate review if it does not identify the facts that the district court has determined to be true and the facts on which the district court's decision is based." *See In re Civ. Commitment of Spicer*, 853 N.W.2d 803, 811 (Minn. App. 2014). The district court's findings allow us a sufficient basis to review its assessment of the children's best interests.

Foster parents correctly note that the district court must "assess whether the proposed visitation is in the best interests of the child" under the "juvenile protection statutes." *In re Welfare of Child of A.H.*, 879 N.W.2d 1, 6 (Minn. App. 2016); *see* Minn. Stat. § 260C.511 (2024). In its order for visitation, the district court incorporated its findings from previous orders. And while foster parents correctly note that none of the district court's orders extensively analyzed the best interests of the children in having

visitation with mother, its written order after the second trial does state: “Termination of Parental Rights is not in the best interests of the children in this case given the above facts and the depth of the, albeit interrupted, bond between [mother] and the children.”

The district court also made several oral findings at the review hearings to support its visitation decision:

There are several reasons for the court’s comments with respect to a meaningful relationship . . . There . . . is evidence throughout the case that in one-on-one situations, or even two-on-one situations with [mother], the kids do fine. They are still processing a great deal of trauma, but they’ve been doing that for years literally now.

And . . . they will come of age with questions with needs related to understanding their background that the[ir] mother will be uniquely positioned to assist them with.

. . . [T]he children have thrived where they are which is the reason for the decision that the court made. But as they grow and they have questions and they have needs to understand themselves and their situation it would not behoove them in the court’s view to see their mother four times a year
. . . .

. . . The children are safe where they are and . . . there was language in the proposal and discussion at the trial about not forcing the children into things. . . . However, we do children a disservice if we tell them that certain things are optional when they are not. Children have an equally important need-to-know that certain things are non-negotiable. Behaving, not swearing at their family members, going to school, not hitting each other and other people, visiting with certain family members sometimes when they don’t want to. And the people around them enforce those necessities by letting them know that nothing else is going to happen except what’s required to happen.

These [are] children with a history of behavioral outbursts. Conduct that will get them into trouble in future [and they] need to understand that there are boundaries that they are going to be required to abide by. One of those will be to have contact with their mother per court order.

Now, none of what I'm saying undermines the relief they are feeling and experiencing and the improvement that they're seeing in their situation by not being involved in a court trial and multiple visits about visitation, etc. . . . *It's not going to be an option for them to never have contact with their mother that's just not consistent with their best interests.*

(Emphasis added.) The district court added: "I've made very clear now my view about the best interests of the children including [mother] in their lives. It's not consistent with their best interests to exclude her." And at a second review hearing the district court expanded that:

The Court debated heartily in its own mind prior to hearing about whether to maintain jurisdiction over the agency and everybody else for purpose of assuring appropriate services are delivered to the children and the permanent legal custodians and for ensuring conditions ordered by the Court related to the care and custody of the child are met. I am going to maintain such jurisdiction based on my prior finding and the overall history of this case. *That it is in the children's best interests to maintain a meaningful relationship with their mother.*

. . . .

The proposals that have been made are not sufficient. Once a quarter, maybe, is not meaningful contact. . . .

The Court in making this decision is not discounting the tremendous distrust and disturbance that the children experienced earlier in their lives.

(Emphasis added.) Foster parents suggest that because the district court was considering jurisdiction before making this oral finding, this cannot be read to be an analysis of the children’s best interests in visitation with mother. We disagree. The jurisdiction statute, Minnesota Statutes section 260C.515, subdivision 4(e)(3), does not expressly require a best-interests analysis, and we see no reason why the district court could not consider the best interests of the children in visitation simultaneously with jurisdiction. Indeed, the district court considered its visitation requirement as a reason for its maintaining jurisdiction.

Foster parents also argue that error in the district court’s findings is reflected in its description of the visitation requirement as a “contact agreement,” a term used in the adoption statute and not at issue here. *See* Minn. Stat. § 260C.619 (2024). But we read the district court’s use of the term in a colloquial sense, not in a legal-term-of-art sense. Nowhere in the record does the district court cite section 260C.619 to support its visitation order.

Foster parents also suggest that the district court failed to make the specific best-interests findings related to visitation delineated in Minnesota Statutes sections 260C.212, subd. 2(b) and 260C.511(a) (2024), citing *In re Welfare of Children of J.C.L.*, 958 N.W.2d 653 (Minn. App. 2021), *rev. denied* (Minn. May 12, 2021). But *J.C.L.* does not hold that a district court ordering visitation in a permanency proceeding must use the criteria from section 260C.212, subdivision 2(b). Rather, *J.C.L.* supports that the district court must consider the criteria specified in section 260C.511 in ordering a permanency disposition other than a termination of parental rights. *J.C.L.*, 958 N.W.2d at 657. Section 260C.511

requires “all relevant factors to be considered and evaluated” and that the district court “review . . . the relationship between the child and relatives and the child and other important persons.” We are satisfied that the district court’s findings encompass these statutory considerations. The district court’s best-interests findings supporting its contact order provide us a sufficient basis to review it.

B. Abuse of Discretion in Requiring Contact

Foster parents maintain that the district court abused its discretion in requiring contact between mother and the children, because the decision was “against the logic and the facts on the record.” A district court abuses its discretion if its fact findings are not supported by the record, it improperly applies the law, or it resolves an issue contrary to logic and the facts on record. *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022). We review a district court’s assessment of best-interests factors for an abuse of discretion. *A.H.*, 879 N.W.2d at 7. Our review reveals no abuse of discretion.

Foster parents argue that contact with mother is not in the children’s best interests because she puts their safety in jeopardy. “The paramount consideration in all juvenile protection proceedings is the health, *safety*, and best interests of the child.” Minn. Stat. § 260C.001, subd. 2(a) (2024) (emphasis added). Foster parents allege that the conditions cited by the district court that led to the custody transfer weigh against the contact order. They point to the domestic violence the children witnessed and were subject to before being removed from mother’s home. They further argue that “[e]very single time [mother] has had unsupervised access to her children, she has engaged in harmful behavior.” They support this contention by pointing to the times mother has used physical

force with the children after the initial removal, including the May 2023 incident. But the district court's order here addresses safety concerns by requiring the contact mother has with the children be supervised. The district court elaborated: "It is safe in the Court's view to do that. In the presence of other adults. There's nothing in the case that indicates that the children will not be safe in the presence of the other trusted adults in their life in [mother]'s presence." This is supported by the record. Only one of the harmful instances foster parents point to appears to have occurred during a supervised visit—the bear-hugging incident. And this incident was ultimately screened out for a child maltreatment report because there was insufficient information that mother throwing Ruth was excessive or that Luke was harmed. The district court adequately considered and provided for the children's safety in its order.

Foster parents also point to the trauma and dysregulation the children experience around having contact with mother and mother's continued lack of accountability regarding their trauma. It is true that the district court made findings about the negative responses the children had around contact with mother. But the district court expressly considered the children's processing of "a great deal of trauma." And the contact order it ultimately made does not require immediate contact. Rather, it requires efforts to get the children to a place where they can have meaningful, twice-a-month contact. The district court explained at the review hearing: "I'm not suggesting that such contact happen immediately. The definition is for meaningful. I provided one. . . . [I]t can be within the developmental and gradual needs of the children and the eyes of the people who are caring for them and their other providers. . . . Nothing that I've said prohibits that." This delay also allows mother time

where she may address the district court’s previously noted “significant disconnect between [her] understanding of the children’s mental health and how reported incidents have had an impact on that.”

Foster parents liken this case to *A.H.*, when we affirmed a district court’s order reducing the visitation of biological parents with their child in a post-permanency proceeding. 879 N.W.2d at 7. The factual similarities underlying the district court’s reasons for reducing visitation in *A.H.* may resemble this case, but the fundamental difference between *A.H.* and this case is the applicable standard of review. In *A.H.* we were deferring to a decision *reducing* visitation (reviewing the referenced factual findings for clear error), while here we are deferring to a decision *granting* visitation. *Id.* Because of the standard of review on appeal, the factual similarities between *A.H.* and this case do not persuade us to change our decision.

The record here instead supports the district court’s determination that contact is in the children’s best interests to maintain their relationship with mother. In addition to the district court’s stated rationale for its contact order relayed previously, the children’s guardian ad litem and the agency testified about the bond between mother and the children. Indeed, foster parents themselves testified about the children’s need for their relationship with mother to continue. After the first trial, the district court found that foster father testified that if he was granted permanent custody, “he envisions ongoing contact and collaboration with [mother].” And at the second trial he said that “if permanency is established in our home . . . that will change [the children’s] perception of [mother] to know that they’re going to always come back and be safe and remain in a safe

environment. . . . [T]hat will, you know, tend to foster a relationship back with [mother].” He elaborated, “[T]he kids deserve to have [mother] in their life . . . regardless of what that might look like, and [foster parents are] definitely willing to foster tha[t] and to continue working on that relationship . . . with the children and [mother].” He recognized that the children “definitely [have] a bond with [mother].” Foster mother testified, “I’m open to a contact plan with [mother] still, despite having to go through trial and everything. I think that it’s important for [the children] to have that door open.” She elaborated why it was important to preserve this relationship:

[Mother] loves her children. Is she perfect? No. These children, despite their conflicted feelings, they’re going to want a relationship with her eventually in some way, shape, or form. I think it just needs to be on their terms. [Foster father] and I would never do anything to harm these children or to prevent them from having a relationship with their mother, ever, and I know there’s a conflicted dynamic right now, but I believe that that relationship is repairable, and I believe that it is crucial to have that door open no matter what happens with trial.

At the first review hearing, the district court expressed its dissatisfaction with foster parents given their apparent change in position on contact: “I took at her word [foster mother]’s assurance that she intended to foster that connection. But what I have seen demonstrates not an intent to foster that connection, but an intent to sever it.” The district court added: “[G]iven the history a meaningful contact agreement that requires their family to support their contact with their mother is an essential component in this court’s view of permanency in this case.” Given the testimony about mother’s bond with the children, the

district court's best-interests findings for mother having contact with the children is amply supported by the record and does not reflect an abuse of discretion.

C. Specificity of the Contact Order

Foster parents argue last that the district court's contact order lacks necessary specificity. They contend that this court should apply the "fair notice doctrine" to the district court's order because of the potential for civil contempt sanctions if the parties do not follow it. Foster parents seem to be referring to the void-for-vagueness doctrine, which we have applied to district court orders that can lead to criminal penalties. *See State v. Phipps*, 820 N.W.2d 282, 286 (Minn. App. 2012). The Supreme Court describes that fair notice is achieved by "[t]he prohibition of vagueness . . . [which] is an 'essential' of due process." *Sessions v. Dimaya*, 584 U.S. 148, 155-56 (2018). We decide constitutional issues, such as the void-for-vagueness doctrine, de novo. *See Newstrand v. Arend*, 869 N.W.2d 681, 687 (Minn. App. 2015), *rev. denied* (Minn. Dec. 15, 2015). Accepting solely for the sake of argument this transfer of the void-for-vagueness doctrine to a district court order because of the potential for a civil contempt sanction, the order here survives.

Our precedent further describes this doctrine. There are two reasons why a statute may be ruled unconstitutionally vague: "First, if it fails to provide people of ordinary intelligence a reasonable opportunity to understand what conduct it prohibits; and second, if it authorizes or even encourages arbitrary and discriminatory enforcement." *State v. Ness*, 834 N.W.2d 177, 184 (Minn. 2013) (quotation omitted). The district court's language passes these requirements.

Foster parents argue that the district court's order is vague based on punctuation and language. In making their argument, they claim that the order directed the parties "to make *good faith, efforts* to enable *meaningful contact* between the minor children and [mother]" and "*to make efforts, to enable contact*" between the children and mother.

When the agency asked to clarify the district court's order, the court stated:

The order reads as previously written with a comma after meaningful. Meaningful means at least twice a month, in person, for at least an hour. In the presence—supervised is fine to begin with. Supervised, two hours a month, on two separate occasions. To normalize the situation. It is safe in the Court's view to do that. In the presence of other adults.

The district court's final order on contact reads:

The parties are hereby ordered to continue to make good faith efforts to enable meaningful contact between the minor children and [mother]. Specifically, the parties are directed to make efforts to enable contact between the minor children and [mother] that occurs at l[e]ast twice per month, for at least one hour per visit, with supervision by the foster parents or other agreed upon third party.

This order does not have the punctuation irregularities that foster parents use as evidence to support their void-for-vagueness arguments. Foster parents rely on a version that appears to have been sent to the parties but is not in the record on appeal and not properly before us. *See* Minn. R. Civ. App. P. 110.01 (describing the record on appeal). The version provided by foster parents has seemingly misplaced commas that are corrected in the version in the official record. Foster parents also assert that the court "back tracked" when orally describing its order to "please everyone," but the record instead reflects that the district court's order at this stage only ever set out to define the end goal of what

“meaningful” contact would look like and required the parties to collaborate to develop a process toward that goal.

The district court’s contact order clearly requires the parties to engage in good-faith efforts that will enable this meaningful contact. And its statements at the second review hearing further assist, rather than hinder, that understanding. It agreed that “the directive is for the parties to work collaboratively toward achieving meaningful contact.” This stated definition comports with a common usage of “good faith” in the legal field, defined as a mental state having “honesty in belief or purpose.” *Black’s Law Dictionary* 832 (12th ed. 2024) (defining good faith). The district court’s contact requirement plainly delineates the prohibited conduct—failing to engage in good-faith efforts that will ultimately allow twice-monthly supervised contact between mother and the children—and does not encourage arbitrary, much less discriminatory, enforcement of that order.

Affirmed.